

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/096,999	06/13/98	KARPEN	D 950901

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MM42/1028

EXAMINER

VU, D

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 10/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/096,999

Applicant(s)
Karpen

Examiner
David Vu

Group Art Unit
2821



☒ Responsive to communication(s) filed on communications filed on 8/26/99

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Specification

1. The specification, drawings, and claims have been checked to the extent necessary to determine the presence of all possible errors; however, applicant's cooperation is requested in correcting any other errors of which applicant may become aware in the specification, drawings, and claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blocher et al. in view of the publication CO-NETIC & NETIC Magnetic Shielding Alloys.

Blocher et al. essentially discloses the claimed invention including a rectangular ballast case 10 made of an aluminum inherently for electromagnetic shielding; electrical

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and electronic circuitry, hardware attaching the electrical and electronic circuitry 26 to the ballast case; and external connecting wiring inherently in the ballast (figures 1-4; columns 1,4). Blocher et al. does not specify the shielding material as soft ferromagnetic alloy in the form of metal foil. However selection such particular material would have been considered well within the level of ordinary skill in the art as evidence in the publication CO-NETIC & NETIC Magnetic Shielding Alloys. Accordingly, an obvious modification would have provided the Blocher et al reference with these well known material in the art. Thus, it would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Blocher et al. reference with the soft ferromagnetic material as it would have provided the lamp ballast with means for electromagnetic shielding since ferromagnetic material possesses high magnetic permeability characteristics as was well known in the art. The type of ballast, e.g., coil or electronic, would have been considered obvious as it would have provided the lamp with means for powering the lamp. The range of affecting electromagnetic frequency, e.g., 60 Hz to 100 kHz would have been considered obvious since a high frequency range would have reduced the lamp power consumption. Utilizing the shielding as metal foil and attached with adhesive to the ballast case would have been well within the level of ordinary skill in the art as it would have reduced electromagnetic energy from leaking to the environment.

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Response to Arguments

4. Applicant's arguments filed 8/26/99 have been fully considered but they are not persuasive.

The declaration filed under 37 CFR 1.131 & 1.132 filed 8/26/99 is insufficient to overcome the rejection of claims 1-16 because:

- the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the magnetically shielded ballast reference to either a constructive reduction to practice or an actual reduction to practice. For example, there were no test data, reproductions of notebook entries, sketches, original exhibits of drawings or records, or photocopies thereof, accompany and form part of the affidavit or declaration.

- contrary to applicant's belief that the claimed invention demonstrated superior results over the theoretical combination of Blocher and the CO-NECTIC references, both references are directed to using aluminum for a ballast housing and soft ferromagnetic alloy in the form of metal foil so as to accomplish magnetic shielding for the fluorescent lamp ballast, thus the combination of Blocher and the CO-NECTIC references and the claimed invention would have achieved the same results.

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (703) 305-6077.

7. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

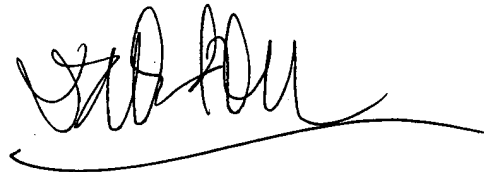
8. Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be

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considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

D.V.

September 30, 1999

A handwritten signature in black ink, appearing to read 'David H. Vu', with a long horizontal flourish extending to the right.

David H. Vu
Primary Examiner